

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JERRY HOOKS,

Plaintiff,

vs.

BRUCE BANNISTER, et al.,

Defendants.

3:12-cv-00682-RCJ-WGC

**ORDER**

**re: Docs. # 153 and # 155**

Before the court is Plaintiff's Motion for Court's Reinstatement Order Staying Doc. # 134 Discovery Scheduling." (Doc. # 153.<sup>1</sup>) Defendants have responded (Doc. # 157) and Plaintiff has replied (Doc. # 160.) Also before the court is Plaintiff's Petition for Writ of Mandate and Prohibition. (Doc. # 155.) Defendants have responded (Doc. # 159) and Plaintiff has replied. (Doc. # 160).

**Doc. # 153 Motion for Reinstatement Order**

Despite its convoluted title, Plaintiff's motion basically seeks to reopen discovery. The history of this matter reflects that this case has been the subject of some 29 motions filed by Plaintiff on a range of subjects including, but not limited to, Plaintiff's motions for extensions of time, to defer time or set aside extension granted (#10, #33, #56, #73, #74, #82, #84, #90); for preliminary injunction (#15); for temporary restraining order (#16); for extension of copy work credit limit (#26, #63); for appointment of counsel (#17, #59); for copies of court documents (#27, #30); to amend the complaint (#42); to alter/amend the screening order (#47, #51); to amend the motion to alter/amend the screening order (#48).

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<sup>1</sup> Refers to court's docket number.

1 On June 5, 2014, Plaintiff filed his motion to defer responding to Defendants' dispositive motion  
2 to conduct discovery (Doc. # 84). The court conducted a hearing on Plaintiff's motion on June 18, 2014.  
3 The court found that Plaintiff's motions for extension of time to undertake discovery did not satisfy Fed.  
4 R. Civ. P. 56(d) in that the motion did not specifically identify the relevant discovery Plaintiff sought  
5 to undertake, nor did Plaintiff explain how that discovery, if permitted, might preclude the entry of  
6 summary judgment. Resolution of Defendants' motion for summary judgment, however, was stayed  
7 until the court had reviewed the proposed discovery Plaintiff wanted to undertake. Plaintiff was directed  
8 to file a memorandum regarding the proposed "targeted" discovery specifically tailored to the issues  
9 presented by Defendants' motion for summary judgment, no later than Friday, July 11, 2014. (Doc# 89  
10 at 2.)

11 On June 26, 2014, Plaintiff sought additional time to outline his proposed discovery (#90). The  
12 court denied Plaintiff's request and directed him to comply with the July 11, 2014, deadline (#92). The  
13 court issued a subsequent order on December 2, 2014, defining the targeted discovery which Plaintiff  
14 would be allowed to conduct and directed Plaintiff to submit the actual discovery he proposed to serve  
15 on the Defendant within thirty days of the order (#130). Rather than providing the proposed discovery  
16 as ordered, Plaintiff instead filed a "Notice: Request for Leave to Meet and Confer for Discovery  
17 Scheduling" (#134) on January 20, 2015. The court denied Plaintiff's request (#130) because Plaintiff  
18 failed to follow the orders of this court (Docs. ## 80, 89 and 130) and held the targeted discovery issue  
19 and any extension to complete discovery was moot. The court lifted the stay of briefing of Defendants'  
20 motion for summary judgment and set a March 27, 2015 deadline for Plaintiff to respond to the  
21 dispositive motion. (Doc. # 136.)

22 Inasmuch as discovery is closed and the dispositive motions have been fully briefed, Plaintiff's  
23 motion seeking reinstatement of discovery (Doc. #153) is **DENIED AS MOOT**.

24 **Doc. # 155 Petition for Writ of Mandate and Prohibition**

25 Plaintiff's petition for Writ of Mandate and Prohibition, which the court interprets as being a  
26 motion to strike (as opposed to an extraordinary writ), attacks the veracity of the Declaration of  
27 Associate Warden Michael Fletcher which was attached to the Defendants' response to Plaintiff's Notice  
28 and Request for Leave to Meet and Confer (Doc. # 134). Plaintiff claims he was denied access to the

1 court system, the law library and other legal resources which prevented him from serving discovery on  
2 the Defendants. However this assertion is not supported by the record in this matter. As noted above,  
3 Plaintiff failed to follow the orders of this court concerning the issue of targeted discovery and the  
4 deadline for any discovery was closed. The court also sees no legitimate basis to strike the Fletcher  
5 declaration.

6 Plaintiff's petition for a writ of mandate (Doc. # 155) is **DENIED**.

7 **IT IS SO ORDERED.**

8 DATED: June 10, 2015

  
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WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE